

**FILED
UNDER
SEAL**

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Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR SUMMONS
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Albert Samoa Maifea**

Case Number: **2:20CR00024**

Name of Sentencing Judicial Officer: **Honorable Sharon L. Gleason**

Date of Original Sentence: **May 14, 2013**

Original Offense: **Drug Conspiracy and Distribution of a Controlled Substance**

Original Sentence: **84 Months prison, followed by 60 Months TSR.**

Date Supervision Commenced: **July 19, 2019**

Date Jurisdiction Transferred to District of Nevada: **February 12, 2020**

Name of Assigned Judicial Officer: **Honorable Jennifer A. Dorsey**

PETITIONING THE COURT

☒ To issue a summons:

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Refrain From Unlawful Use of Controlled Substance** - The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.
 - a) Miafea failed to appear for scheduled drug/alcohol testing on the following dates:

December 6, 2019

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December 9, 2020

March 9, 2020

May 11, 2020

May 12, 2020

June 8, 2020

- b) Maifea submitted positive drug tests for methamphetamine on the following dates. All tests have been confirmed positive by the national laboratory:

December 12, 2019

March 10, 2020

May 15, 2020

- c) On June 9, 2020, Maifea admitted to smoking marijuana. Due to him claiming he was sick; the probation office has not been able to collect a current drug test from him.

2. **Be Truthful** - The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

a) On December 11, 2019, during a conversation in the probation office, Maifea lied to the undersigned officer regarding who he used drugs with and the drug history of the mother of his children.

b) On January 17, 2020, Maifea was instructed to obtain his driver's license by January 31, 2020. This was prompted by his counselor, and all the parties agreed this would alleviate a number of issues for him. He was then given another two-week extension to complete this task.

c) On May 20, 2020, Maifea was instructed to report to the halfway house the following day. He failed to report to the halfway house as instructed and lost his reserved bed space there.

3. **Report Change of Residence or Employment** - The defendant shall notify the probation officer prior to any change in residence or employment.

On May 26, 2020, Maifea reported to the undersigned officer that he lost his job about two weeks prior. He failed to notify the undersigned officer in advance of any change to his employment. Maifea also reported he had was not residing at his approved residence with his sister but was sleeping on busses.

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4. **Refrain from Alcohol Use** - The defendant shall not consume any alcohol and shall not possess any alcoholic beverages during the period of supervision.

On December 11, 2019, during a conversation, Maifea claimed to have consumed a beer on December 5, 2020.

5. **Shall Not Associate with Criminals** - The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.

On December 11, 2020, Maifea admitted to having contact with Shannon Evans. Mr. Evans is an ex-felon, documented gang member and is actively on federal supervised release.

U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on **June 11, 2020**



Kamu Kapanui
2020.06.12
16:38:54 -07'00'

Kamuela K Kapanui
United States Probation Officer

Approved:



2020.06.11
18:06:56 -07'00'

Joy Gabonia
Supervisory United States Probation Officer

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THE COURT ORDERS

- ☐ No Action.
- ☐ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other:

Signature of Judicial Officer

Date

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. ALBERT SAMOA MAIFEA, 2:20CR00024**

SUMMARY IN SUPPORT OF PETITION FOR SUMMONS

June 11, 2020

On May 14, 2013, Mr. Maifea was sentenced in the District of Alaska by the Honorable Sharon L. Gleason, U.S. District Judge, to 84 months custody, followed by 60 months supervised release for committing the offenses of Drug Conspiracy and Distribution of a Controlled Substance. Mr. Maifea commenced supervision in the District of Nevada on July 19, 2019.

In a violation report sent to the District of Alaska dated January 7, 2020, the undersigned officer outlined a number of violations including failing to report as instructed, missing drug tests, drug and alcohol use, contact with an ex-felon/ documented gang member and lying to the undersigned officer. At that time, the probation office increased his treatment and drug testing frequency and continued him on his current conditions of supervised release.

In a modification request sent to Your Honor dated May 18, 2020, the undersigned outlined a number of violations including missed drug tests and positive drug tests/drug use. At that time, our office requested, and Your Honor ordered a condition for 120 days at the Residential Reentry Center.

On May 20, 2020, Maifea was instructed to report to the halfway house the following day to begin his 120 day stay. On May 22, 2020, the halfway house advised that Maifea never reported to their facility as instructed. The halfway house advised that Maifea had until 5:00 p.m. on May 22, 2020 to report or he would lose his bed. The undersigned officer made multiple attempts to contact Maifea via phone call, text message as well as via family members to no avail. Maifea never reported to the halfway house as instructed.

On May 26, 2020, Maifea contacted the undersigned officer and advised he was scared to report. He indicated he had not used any controlled substances and when asked where he was staying, he indicated he was "around." He stated that no friends or girlfriends were willing to help him anymore and he would fall asleep on busses. He noted he was back residing at his sister's home. He also reported he lost his job two weeks ago.

As indicated in this petition, Maifea has failed to show for numerous scheduled drug/alcohol tests. Additionally, Maifea has failed to show for scheduled treatment session. On June 9, 2020, Maifea was contacted to address his missed test on June 8, 2020. Maifea indicated that he was not calling the drug testing line because he was sick. When asked if he had used any drugs he stated no, but indicated he smoked "bud" which a nickname for marijuana. He stated he was cleaning in his backyard and found a "joint" it in the window- sill from a long time ago. When asked how he originally received it, he stated he did not know.

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In an effort to assist Maifea with his controlled substance addiction, the probation office increased his drug testing frequency as well as his frequency of treatment sessions. As a measure to bring him back into compliance, his conditions were modified to include up to 120 days at the halfway house (RRC) to provide him with the needed structure. However, he failed to report as instructed to the halfway house. Despite the efforts from his treatment provider, the probation office and his family, he continues to violate his conditions of supervision. He not only has accumulated violations of the drug testing program but several violations in other areas of supervision that indicate he is either unwilling or unable to abide by his conditions of supervision.

Based upon the offender's conduct detailed in this petition, the probation office recommends the issuance of a summons to initiate revocation proceedings.

Respectfully submitted,



Kamu Kapanui
2020.06.12
16:39:43 -07'00'

Kamuela K Kapanui
United States Probation Officer

Approved:



2020.06.11
18:07:34 -07'00'

Joy Gabonia
Supervisory United States Probation Officer